

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

<b>IN RE: CIVIL CASES ASSIGNED TO</b>	)	<b>STANDING ORDER RE:</b>
	)	<b>SETTLEMENT CONFERENCE</b>
<b>MAGISTRATE JUDGE EDWARD A. INFANTE</b>	)	<b>PROCEDURES</b>
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Any party may request a settlement conference at any stage of the proceedings by calling Magistrate Judge Infante's Court Deputy at (408) 535-5377, or the Court may schedule a settlement conference on its own initiative. In all cases assigned to Magistrate Judge Edward A. Infante, the parties shall comply with the following settlement conference procedures:

No later than seven (7) calendar days before the settlement conference, each party shall submit a settlement conference statement to Magistrate Judge Infante in camera. The original settlement conference statement (no copies are necessary) shall be placed in a sealed envelope, clearly marked "Confidential: Settlement Conference Statement; Attn: Clerk for Magistrate Judge Infante", and lodged with the Clerk's office, Room 2112 on the second floor of the United States Courthouse, 280 South First Street, San Jose, California. The clerk will forward the settlement conference statement to Magistrate Judge Infante's chambers. The settlement conference statement shall not be filed with the Court nor served upon the other parties or their counsel.

The form and content of the settlement conference statement may vary depending upon the nature of the case, the stage of the proceedings or timing of the conference, and economic considerations. Generally, the settlement conference statement should include the following information:

1. Statement of Facts. A brief description of the substance of the claims and defenses presented.
2. Summary of Proceedings. A brief list of the motions previously made, the dispositions thereof, and any motions pending resolution.
3. Undisputed Matters. A plain and concise statement of all material facts not reasonably disputable.
4. Issues of Fact. A plain and concise statement of the major factual issues in dispute.

5. Issues of Law. A brief statement of the disputed points of law with respect to liability and damages with reference to statutes and decisions relied upon. Extended legal argument is not necessary. Reference may be made to memoranda and points and authorities previously filed.

6. Relief Sought. A statement of the relief claimed including a particularized itemization of all elements of damages.

7. Prior Settlement Discussions. A summary of prior settlement activity between the parties including settlement offers and responses thereto.

8. Litigation Costs. A brief statement of the approximate litigation costs to date and the estimated cost and time projected for further discovery, pretrial proceedings and trial.

9. Settlement Analysis. A brief and forthright evaluation of the strengths and weaknesses of your case and the probabilities of prevailing on the major issues in dispute.

10. Discrete Issues. Are there any discrete issues affecting the parties which, if resolved, would aid in the disposition of the case.

11. Current Settlement Position. Set forth a reasonable proposal of settlement.

**Counsel shall appear at the settlement conference with the client or with the person or persons having full authority to negotiate a full settlement of the case.** In all cases in which a party is insured, the attorney retained by the carrier and the claims representative shall personally attend the settlement conference.

**In order to insure that all parties are informed of the settlement conference procedures, the plaintiff shall serve copies of this Standing Order immediately upon all other parties that have been served with the summons and complaint pursuant to Rule 4, and 5 F.R.C.P.**

**IT IS SO ORDERED.**

Dated:

FOR THE COURT:  
RICHARD W. WIEKING, CLERK

By: \_\_\_\_\_

Melissa Peralta  
Deputy Clerk

Revised 01/00